

**Remarks**

Reconsideration and allowance of this application, as amended, are respectfully requested.

Claims 1 and 15 have been amended to even more particularly define the structural elements of the instant invention. Claim 5 has been canceled without prejudice or disclaimer. Claims 1, 7, 8, 10-13, 15, and 16 are now pending in the application. Claims 1 and 15 are independent. The rejections are respectfully submitted to be obviated in view of the amendments and remarks presented herein. No new matter has been introduced through the foregoing amendments.

To advance prosecution, claim 1 has been amended to require that "the extensions each [be] configured as an upwardly projecting bracket *of the end-side side wall, each extension being arranged in a same plane as the respective end-side side wall* of the luggage stowage compartment." In addition, claim 1 requires that "the connecting element [be] configured as a ledge having a fiber-reinforced synthetic material construction, *the ledge being of L-shaped cross section* and being fastened by an adhesive to a *ceiling wall* of the luggage stowage compartment in at least two locations thereof so as to be unshiftable in a longitudinal direction thereof."

Claim 15 has been amended in a manner that parallels the amendment of claim 1. Entry of each of the amendments is respectfully requested.

35 U.S.C. § 103(a) - Bargull, Mikalonis, and Bossert

Claims 1, 5, 7, 10, 12, 13, and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,839,694 to Bargull et al. (hereinafter "Bargull") in view of U.S. Patent No. 5,441,326 to Mikalonis, and U.S. Patent No. 5,282,556 to Bossert.

The rejection of claims 1, 5, 7, 10, 12, 13, and 15 under § 103(a) is respectfully deemed to be obviated. For at least the following reasons, the combined disclosures of Bargull, Mikalonis, and Bossert would not have rendered obvious Applicants' presently claimed invention.

As indicated above in the introductory remarks, instant claim 1 requires that "the extensions each [be] configured as an upwardly projecting bracket *of the end-side side wall, each extension being arranged in a same plane as the respective end-side side wall* of the luggage stowage compartment." In addition, claim 1 requires that "the connecting element [be] configured as a ledge having a fiber-reinforced synthetic material construction, *the ledge being of L-shaped cross section* and being fastened by an adhesive *to a ceiling wall* of the luggage stowage compartment in at

least two locations thereof so as to be unshiftable in a longitudinal direction thereof."

The combined disclosures of Bargull, Mikalonis, and Bossert would not have rendered obvious Applicants' claimed invention because the combination does not disclose each feature of the device as presently claimed.

With regard to the Bargull patent, the Office Action states that "[t]he Applicant contends that the extensions (16 and 16A) are not formed extensions of the side walls (14 and 14A), the Examiner respectfully disagrees" ("Response to Arguments," Office Action page 5, numbered paragraph 5a). The Office Action asserts that "Figure 3 of Bargull '694 clearly discloses that the extensions (16 and 16A) are connected with screws (S) to the stowage device ceiling and are extended to the side walls of the stowage device" (Office Action page 5).

Applicants respond as follows. The examiner is correct in stating that "Bargull '694 clearly discloses that *the extensions (16 and 16A) are connected with screws (S) to the stowage device ceiling*" (emphasis added). But, as explained in the Amendment filed March 15, 2010, Applicants again point out that the aforementioned structural requirement of the Bargull device *represents a significant difference relative to the sidewall extension feature of Applicants' claimed compartment*.

That is, Bargull teaches a linkage system in which legs 16', 16" of bar 16, 16A are not formed as **extensions** of the side

walls 14, 14A, but as distinct, separate pieces that must be attached to the top wall 13 of the bin 2 with screws. See Bargull's Figures 3 and 4. In particular, see the left-hand side of Figure 4, which clearly shows that (i) first leg 16' is a distinct element that is separate from end wall 14, and that (ii) first leg 16' connects to top wall 13 via screws S. Therefore, contrary to the Office Action, Bargull's first leg 16' most certainly is not an extension of the end wall 14.

To even more explicitly recite and emphasize the above-described distinction, claim 1 has been amended to recite that "the extensions each [be] configured as an upwardly projecting bracket of the end-side side wall." See the disclosure at specification pages 5-6: "*The side walls 3 are provided with an upwardly projecting shoulder 7 which, together with the corresponding shoulder 7 of the oppositely located side wall 3, forms an upwardly projecting bracket 11.*" See instant Figures 1, 6, and 8. See in particular Figure 8, which makes abundantly clear the fact that *shoulder 7 is integral with, and an extension of, side wall 3.*

Therefore, Bargull's device, which is constructed with separate elements, including end wall 14, top wall 13, first leg 16', and screws S, does not meet the above-quoted feature of Applicants' claimed invention.

The present invention obviates the need for Bargull's multi-piece configuration, including screws, by providing brackets

that are configured as integral extensions of the side walls. Applicants' claimed combination of elements and structure advantageously makes possible a particularly light-weight construction.

There are other differences between Applicants' presently claimed invention and Bargull's device. The Office Action relies upon Bargull's Figure 3 to allegedly show that bars 16, 16a are aligned with end walls 14, 14a. However, it is evident from the Figure 3 plan view that bars 16, 16a do not extend the end walls 14, and that the bars 16, 16a together with end wall 14 are not made of one single piece, but are offset therefrom to accommodate the screws S, which are necessary to secure the bar 16, 16a to the top wall 13.

Furthermore, instant claim 1 requires that "each extension [be] arranged in a same plane as the respective end-side side wall of the luggage stowage compartment." But, as is evident from Bargull's Figure 4, the upwardly projecting second leg 16" does not lie in the same plane as the respective end wall 14. The offset between the plane of leg 16" and the plane of end wall 14 is defined by the width of the angled section of first leg 16' that is fastened with screws to the top wall 13 of bin 2.

In addition, claim 1 requires that the connecting element 8 be configured as a ledge, and that "the ledge [be] of L-shaped cross section" (previously presented in now-canceled claim 5). The ledge's L-shaped cross-sectional construction is clearly different

from the shape of Bargull's "cross-bar 19." Conventional cross bars in general have had a rectangular cross section, which is disadvantageous for the lightweight construction achieved with the presently claimed device.

And, none of the asserted references discloses a force-introducing element that is a bushing provided on a bracket of a side wall of the luggage stowage compartment (see bushing 7' in instant Figure 1). In construing the Bargull disclosure, the Office Action seems to compare pivots or journals 9, 9a linking bars 5, 5a to bars 16, 16a with Applicants' claimed force-introducing element formed by a bushing.

But, Applicants submit that while Bargull's journals 9, 9a may provide a pivotable support for bars 16, 16a, the journals are certainly not arranged for introducing forces effectively into upwardly protecting brackets 11 of the side walls 3 according to the instant compartment. Thus, both the structure and the position of the force-introducing elements according to claim 1 are clearly different from the journals 9, 9a taught by Bargull.

Finally, neither Mikalonis nor Bossert rectifies any of the above-described deficiencies of the Bargull disclosure. Therefore, the asserted Bargull/Mikalonis/Bossert combination does not meet each of the features of Applicants' presently claimed invention.

Furthermore, there is no teaching in any of the asserted references that would have led one to select the references and

combine them in a way that would produce the invention defined by any of Applicants' pending claims. Bargull fails to teach reducing the weight of the disclosed luggage compartment. A reduction in weight is achieved with the present invention by obviating the need for screws or other fasteners, and by providing a fiber-reinforced synthetic material construction.

Accordingly, the combined disclosures of Bargull, Mikalonis, and Bossert would not have rendered obvious the embodiment of the invention defined by instant claim 1. Claims 7, 10, 12, and 13 are allowable because they depend from claim 1, and for the subject matter recited therein.

Instant claim 15 defines a luggage stowage compartment that includes, *inter alia*, "a ceiling-side ledge configured to distribute forces transmitted to the compartment, the ledge having an L-shaped cross section, a fiber-reinforced synthetic material construction, and being adhered to the top wall and connected to the side walls." In addition, claim 15 requires that "the side walls each includ[e] a bracket that is an extension of the side wall and that is arranged in a same plane as the respective end-side side wall of the luggage stowage compartment, the bracket projecting upward beyond the top wall and connecting to the ledge." And, claim 15 requires that the device include "a force-introducing element provided on the bracket of the side wall of the luggage stowage compartment, the force-introducing element being a bushing."

The asserted Bargull/Mikalonis/Bossert combination does not meet each of the features of the invention defined by instant claim 15. Therefore, claim 15 is also allowable over the Bargull/Mikalonis/Bossert combination. Claim 16 is allowable because it depends from claim 15, and for the subject matter recited therein.

The rejection of claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Bargull in view of Mikalonis and Bossert, and further in view of U.S. Patent No. 5,842,668 to Spencer, is also respectfully deemed to be obviated. Regardless of what Spencer may teach with regard to "a bull nose or bottom carrier (28)," that disclosure alone fails to rectify any of the above-described deficiencies of the Bargull/Mikalonis/Bossert combination.

The rejection of claims 11 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Bargull in view of Mikalonis and Bossert, and further in view of U.S. Patent No. 5,817,409 to Stephan et al. ("Stephan"), is also respectfully deemed to be obviated. Regardless of what Stephan may teach with regard to materials of construction, that disclosure alone fails to rectify any of the above-described deficiencies of the Bargull/Mikalonis/Bossert combination.

In view of the foregoing, this application is now in condition for allowance. If the examiner believes that an



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interview might expedite prosecution, the examiner is invited to contact the undersigned.

Respectfully submitted,

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